outdoor advertisers as well as other media, including broadcast and cable television, radio, newspapers and direct mail marketers."[39] Paxson Communications Corporation ("Paxson"), which owns radio and television stations as well as outdoor properties, disclosed in its 1995 Form 10-K that it uses the following media to advertise its radio stations: local TV, print media, outbound telemarketing, and billboards.[40] As a business strategy, Paxson uses its radio client contacts to broaden its billboard client base and increase its share of the advertiser's media purchases.[41] Finally, Paxson disclosed that its "radio and television stations compete with the other radio and television broadcast stations in their respective market areas, as well as with other advertising media, including newspapers, television, magazines, outdoor advertising, transit advertising and direct mail marketing."[42]

It also is instructive to observe that all of these media develop promotional materials to compete with one another. For example, I am aware that the Yellow Pages Publishers Association develops competitive information on television, newspapers, radio, magazines, outdoor, and direct mail for its members. I am also aware that the POA Acquisition Corporation ("POA"), which was a large outdoor advertising firm in the Orlando area, routinely armed its sales personnel with standardized sales tools that compared the cost effectiveness of billboard advertising to other media. POA prepared charts and graphs

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[39] Outdoor Systems, 1993 SEC Form 10-K at p. 6.

[40] Paxson Communications Corporation, 1995 SEC Form 10-K, p. 12.

[41] *Id.* at 16.

[42] Id. at 17.

comparing the costs per thousand for billboards versus other media. At times, specific examples were used. For example, POA presented a billboard product that would cost $18,600 and deliver a certain exposure. This result was then compared to what an advertiser could buy for the same amount of money if it were spent on various other media. In this way, POA tried to educate advertisers so that they would substitute billboards for other media. In addition, POA has marketed the advantages of its rotaries that permit an advertiser to move its message from one billboard location to another thereby keeping the look fresh. This also allowed the advertiser to target certain demographic groups. Another business opportunity it offered was the "Quick Hit" program in which an advertiser may have a celebration or an opening to advertise. POA's program allowed the use of billboards for short periods to accommodate these needs. These efforts are clearly aimed at moving advertising dollars from other media to outdoor.

The Radio Advertising Bureau ("RAB") is a trade association of broadcast radio stations. According to one of their consultants that I interviewed, there are about 4,000 member stations. RAB provides sales tools and strategies for radio advertising executives to use in selling advertising time in competition with all other media -- newspapers, television, billboards, Yellow Pages, and direct mail. Samples of these materials are attached at Exhibit B. This information is clearly designed to get advertisers to substitute radio entirely or partially for other media. I understand that, often, an advertiser will not abandon its traditional advertising medium, but will divert some dollars to radio if convinced that a combination will deliver more effective results. Based on my interview with RAB, radio has been successful in diverting advertising dollars from other media to radio, i.e., substitution has been induced.

I interviewed the Area Advertising Sales Manager, and an account executive at Comcast Cablevision in Sarasota. They confirmed that cable television systems compete with all other media for the advertiser's dollar. Comcast does not train its account executives to denigrate the other advertising media; instead, they are trained to promote the advantages of cable television advertising. For example, in an effort to move traditional print advertisers to cable television, Comcast provided free direct mail on the condition that those advertisers try Comcast's television advertising. This was a clear effort to move advertisers from print to cable, i.e., to substitute cable for print.

Market Participants: Buyers. Although a large-scale, systematic survey of all major advertisers is beyond the scope of this analysis, it is instructive to examine the behavior of several important advertisers in the Miami-Fort Lauderdale-West Palm Beach area. For example, I am aware that Office Depot allocates its advertising budget to at least five media: 58 percent to network cable, 25 percent to other media such as in-stadium displays, seven percent to network television, five percent to radio, and five percent to newspaper. Sunglass Hut, on the other hand, primarily uses outdoor advertising (85 percent), but also uses radio (10 percent) and magazines (5 percent).

It is also instructive that both the Sun-Sentinel and WBZL act in a manner that reflects competition against all forms of advertising, including the Yellow Pages, direct mail, and outdoor advertising. Attached to this Report as Exhibits C and D are statements from management personnel at WBZL and the Sun-Sentinel that reflect their competitive approach to sales of advertising. In both cases, WBZL and the Sun-Sentinel solicit advertising competitively against not only other broadcast stations, cable television systems, and newspapers, as has been presumed, but also against producers of Yellow Pages, direct mail and outdoor media.

The Sun-Sentinel has created promotional materials specifically directed to cross-sell against other advertising media, including but not limited to outdoor, Yellow Pages, direct mail, weekly newspapers, radio, and television. A close review of two samples (see Exhibit E) of this material illustrates the intense nature of competition in the advertising product market. The Sun-Sentinel has created a presentation entitled "Weaknesses Inherent in Outdoor Advertising" that highlights the advantages that advertising in the newspaper has over outdoor advertising. The presentation is clearly directed at either reducing outdoor advertising's share of a given promotional budget (by noting that outdoor advertising "is not effective when relied upon as the sole source of advertising") or eliminating it entirely (by noting "What billboards can deliver -- image and color impact -- can be obtained through various newspaper products that are specifically designed for image advertising and color reproduction. So newspapers can offer the advantages of outdoor display without any of the disadvantages.")

The second presentation, entitled "Put Your Listing in the Yellow Pages, And Your Advertising in the Sun-Sentinel," is directed at reducing or replacing entirely the advertising dollars spent in the Yellow Pages. The presentation highlights intense price competition between media by highlighting that the cost of a quarter page advertisement in the Yellow Pages is the equivalent of 11 quarter page advertisements in the Sun-Sentinel. The presentation also challenges some of the presumed benefits of advertising in the Yellow Pages by highlighting that the Sun-Sentinel, rather than the Yellow Pages, is the primary source of advertising referred to most frequently by 10 times the number of people that use the Yellow Pages. Finally, the presentation highlights the Sun-Sentinel's strengths by highlighting the ability to change copy and target an audience as compared to a single advertising purchase in the Yellow Pages.

These promotional materials demonstrate the intense competition among media. The material supports the conclusions of the academic literature and the Office of Plans and Policy study cited above concluding that the advertising product market is a broad one.

Finally, the fact that each medium is not, at any given moment, a perfect substitute for every advertising message or objective is economically irrelevant. The crucial fact from an economic perspective is that rival advertising media continually monitor and cross-sell against each other. In a market with such intense rivalry, there is little chance that any competitor could successfully implement a non-transitory, non-trivial price increase above the competitive level. As noted in the Smith Declaration, "cost efficiency is a key consideration for most advertisers and they frequently move business from one medium to another." For all of the above reasons, I have concluded that the economically relevant advertising product market includes television, radio, cable television, newspapers, Yellow Pages, direct mail, magazines, Internet, and outdoor.

B. The Geographic Market: Dade, Broward, and Palm Beach Counties.

For advertising, the relevant geographic market is quite broad.[43] As an initial matter, the facts demonstrate that WBZL and the Sun-Sentinel both serve Dade, Broward, and Palm Beach Counties. The map at Exhibit F shows that the Grade A contour of WBZL covers the entire Miami area and extends south to Homestead. Going north, the Grade A contour covers all of Broward County and extends well into Palm Beach County. For its part, the Sun-Sentinel and its various associated daily, Sunday, weekly and monthly publications have a circulation area that includes Dade, Broward, and Palm Beach Counties.

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[43] In fact, the relevant market may well be national in scope. Demands for advertising time and space by national, regional, and local advertisers all press on the limited time and space that suppliers have available. As a result, these forces of demand and supply cause the various geographic areas to be interrelated. For example, a local advertiser may increase its expenditures on local newspaper advertising. This has ramifications for other newspaper advertisers. If rates rise as a result, this will cause budget reallocations to the rival media. As some money shifts to outdoor, this will influence both local and national outdoor supply. Similarly, as some advertisers turn to television and radio, this will influence both national and local suppliers of television and radio time. The logic of the interrelationships does not mean that someone who wants to sell a used car through a classified ad in the Miami Herald is apt to shift to a radio spot in St. Louis or a national spot on CBS. What it does mean, however, is that the various segments of the market are linked together and that the forces of supply and demand have wide ranging impact.

The statements provided by WBZL and the Sun-Sentinel, Exhibits C and D, also support the conclusion that the geographic market includes Dade County, Broward County, and Palm Beach County. WBZL clearly solicits advertising purchases from businesses in all three of these counties. Similarly, the Sun-Sentinel solicits advertising from businesses in all three of these counties. Moreover, the Sun-Sentinel also assigns specific personnel to cover the news and issues that are local and particular to Dade County, Broward County, and Palm Beach County. See Exhibit D. Logic, in addition to my economic analysis, compels the conclusion that the geographic market can be no smaller than the combined areas of Dade, Broward, and Palm Beach Counties.

There are several other pieces of evidence that illustrate that the geographic market is at least as large as Dade, Broward, and Palm Beach counties. First, the Grade A contours of WBZL (Dade) and WFLX (Palm Beach) overlap quite substantially. These television stations are carrying advertising messages into all three counties. An advertiser can use either television station to get substantial coverage of all three counties. Within this area, there are numerous television stations, cable systems, radio stations, newspapers, weeklies, shoppers, billboards, Yellow Pages, and the like that are competing for the advertising dollar. When the Sun-Sentinel, for example, competes for advertising business with the Yellow Pages, this influences prices and quantities in the Sun-Sentinel generally. This, in turn, has an impact on prices and quantities for television, radio, and cable time. The Miami Herald has a substantial presence in Broward County, which puts it in head-to-head competition with the Sun-Sentinel, which is in head-to-head competition with the Palm Beach Post. As a result, price and quantity decisions in Dade County have a direct impact on price and quantity decisions in Palm Beach County.

The promotional materials developed by the Sun-Sentinel clearly show that it competes in Miami (Dade) and West Palm Beach (Palm Beach). The Sun-Sentinel's Spanish language publication, Exito, aggressively markets itself in Dade County. Exito's main offices, including its sales staff, are located in Dade County. The Sun-Sentinel has produced a marketing presentation that compares Exito's reach to that of the Hispanic radio stations in Miami. Exito's performance is also compared to that of the Hispanic television stations in South Florida. These presentations (see Exhibit G) vividly illustrate that the Sun-Sentinel is an active, aggressive competitor in all of South Florida. Thus, the Sun-Sentinel's presence links these three counties.

Scarborough data also show that these three counties are in the same market. Most of the major sports teams and major entertainment events advertise to and regularly draw from Dade, Broward, and Palm Beach Counties. For example, substantial numbers of fans from all three counties attend Dolphins football games, Miami Heat basketball games, and Florida Marlins baseball games.

In addition, major advertisers seek business from the entire Dade-Broward-Palm Beach area. Car dealers such as Mullinax Ford (in north Broward) and Kendall Toyota (in south Dade) draw customers from and advertise in all three counties. Tourist attractions such as Grand Prix Race-A-Rama (Dade) and Rapids Water Park (West Palm Beach) also advertise in all three counties. These firms are competing in the three counties and buying advertising time and/or space in all three.

Thus, these three counties -- Dade, Broward, and Palm Beach -- are inextricably linked together in a market. It would make no sense to sub-divide this area. To do so would be inconsistent with economic reality.

C. The Analysis Of The Market.

The various sources and amounts of advertising for Dade, Broward and Palm Beach counties, along with the percentage share held by WBZL and the Sun-Sentinel publications, are displayed in Exhibits H and I.[44] The information reflected in these exhibits was compiled from an array of sources under my supervision and at my request. In addition, specific competitors were identified and estimates of their market shares were made. These efforts resulted in data that I used to evaluate the competitive significance of the proposed cross-ownership of WBZL and the Sun-Sentinel in 1996. Although these data were prepared earlier, I am unaware of any substantive changes in the Dade-Broward-Palm Beach County area that would alter my analysis. In particular, I have no reason to suppose that the HHI calculations would change in a material fashion.

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[44] Exhibit I has been provided only as an accommodation to the FCC's decision in the Disney/CapCities case, which inexplicably focused on an advertising product market that only included television, radio, cable television, and newspapers. In my opinion, there is no valid economic basis to support this product market definition.

I received reliable estimates of the market shares of competing television stations, radio stations, daily newspapers, cable systems, and yellow pages. I treated all radio stations with common ownership as a single entity. Cable television systems were treated similarly. The estimate of total advertising revenue of the non-daily newspapers was allocated on the basis of each newspaper's circulation. The direct mail suppliers are highly diffused, but I had specific estimates for Advo and Harte Hanks. In order to be conservative, I assumed that the remaining firms were just a bit smaller than Harte Hanks. I had no firm-specific data on outdoor advertising, so I treated outdoor as a single entity. Similar treatment was accorded to the interactive revenue. Thus, in every instance, I made assumptions that biased the HHI upward.

Nonetheless, concentration in the South Florida market is still low; market shares are not very large and there are a substantial number of competitors in the market. I have calculated HHIs for four different possible definitions of the relevant market. First, defining the product market as television, radio, cable television, newspapers, yellow pages, direct mail, magazines, outdoor, and interactive advertising and the geographic market as Dade, Broward, and Palm Beach Counties, the pre-merger HHI was 841. According to the Merger Guidelines, the antitrust enforcement agencies consider such markets to be unconcentrated and ordinarily do no further analysis. Cross-ownership of WBZL and the Sun-Sentinel increased the HHI by 40 to 881, which is still in the unconcentrated range. Thus, for the agencies charged with protecting competition, cross-ownership would not trigger any concern. Moreover, the combined market share of WBZL and the Sun-Sentinel is less than 14 percent.

Second, using the same product market, but eliminating Palm Beach County from the geographic market, the pre-merger HHI was 994, which is still unconcentrated. The combined market share of WBZL and the Sun-Sentinel is 14.7 percent, which is too small to confer any market power. Cross-ownership of WBZL and the Sun-Sentinel increased the HHI by 54 to 1048. Technically, this puts the market into the moderately concentrated range, but as the Merger Guidelines explain, the enforcement agencies recognize that the thresholds are not as precise as they appear. As a result, "[o]ther things being equal, cases falling just above and just below a threshold present comparable competitive issues." Moreover, as the Merger Guidelines indicate, the enforcement agencies ordinarily will be unconcerned with an HHI of 1048 and a change of only 54. The market is still largely unconcentrated and the change is so small that no market power could result from the proposed combination.

Third, based on a product market consisting of radio, television, cable television, and newspaper advertising, I examined the HHI for Dade, Broward, and Palm Beach Counties. In this case, the pre-merger HHI was 832. Cross-ownership of WBZL and the Sun-Sentinel increased the HHI by 80 to 912. The combined market share of WBZL and the Sun-Sentinel is 18.9 percent, which is too small to confer any market power. Thus, the market remains unconcentrated and of no competitive concern to the agencies charged with antitrust enforcement.

Finally, I used the more limited product market and reduced the geographic market to include only Dade and Broward Counties, even though this market does not in either respect reflect the proper market for analysis. For this market, the pre-merger HHI still was only 1098, which is just barely in the moderately concentrated range. Cross-ownership of WBZL and the Sun-Sentinel increased the HHI in this most narrowly defined market by 106 to 1205. In this case, the combined market share of WBZL and the Sun-Sentinel is still only 19.8 percent, which is not sufficiently large in this market to confer market power.

Even in this case, competitive concerns should not be triggered under the Merger Guidelines. Section 2.0 of the Guidelines explicitly recognizes that "market share concentration data provide only the starting point for analyzing the competitive impact of a merger." For a number of reasons, the factors set forth in Sections 2 through 5 of the Guidelines reveal that there is, in fact, no competitive concern in the present case.

First, Section 2.0 points out that the smaller the percentage of total supply that a firm controls, the more severely it must restrict its own output in order to produce a given price increase, and the less likely it is that an output restriction will be profitable. In this instance, the combined market share of WBZL and the Sun-Sentinel is only 19.8 percent, which is well below 30 percent that the Supreme Court found insufficient to confer market power in Hyde. This share is far too small to pose an anticompetitive threat. If WBZL and the Sun-Sentinel restricted output and no one else did anything, it would lose the profit on the sales not made while the benefit of the resulting price increase would be diffused throughout the market for advertising time and space. Thus, WBZL and the Sun-Sentinel would bear all of the costs of restricting output but receive only a portion (about 19.8 percent) of the benefits. Moreover, it is unlikely that rivals would do nothing. Advertisers could turn to other television stations (many with higher ratings), cable television, radio, and other newspapers (the Miami Herald, for example, which has a more substantial presence) in the market. These rivals would benefit by soliciting the former customers of WBZL and the Sun-Sentinel.

Second, Section 2.1 points out that when the DOJ and the FTC examine the potential for coordinated behavior, they "examine the extent to which post-merger market conditions are conducive to reaching terms of coordination, detecting deviations from those terms, and punishing such deviations." One should not underestimate the complexity of reaching any agreement among the market participants. There are still seven other English language television stations, more than 18 radio groups, 20 cable systems groups, and three other daily newspapers serving Dade and Broward Counties. In addition, these firms do not supply a homogeneous product. Differences across products make agreement on terms complicated because prices have to change by varying amounts. Product heterogeneity is specifically recognized in the Guidelines (Section 2.11) as a factor that impedes successful coordination.

Third, the ability of other firms to adjust capacity in the event of an output restriction by the merged firm is also recognized as a limiting characteristic (Section 2.22). Rival newspapers can adjust the space available for advertising almost instantly through decision on the number of pages to print and how much news to include. Consequently, the elasticity of supply is very high and, therefore, market power is low.

Fourth, one must also remember that there are a variety of substitutes that have been omitted from the product market definition: yellow pages, outdoor, direct mail, the Internet, and magazines. In many cases, a ready substitute for an advertising insert in the newspaper is direct mail. Outdoor and magazines provide a substitute for television advertising of branded products such as automobiles. By eliminating some of these substitute media from the product market, we have increased the demand elasticity for the media that were included. The result is a reduction in the ability to behave noncompetitively.

Fifth, the Guidelines specifically recognize that mergers may result in efficiencies that are procompetitive (Section 4). The cross-ownership of WBZL and the Sun-Sentinel will create efficiencies that permit expanded local news programming on WBZL. This is clearly beneficial to consumers and, therefore, is deemed procompetitive.

For all these reasons, cross-ownership of WBZL and the Sun-Sentinel would not appear to pose any competitive risks.

IV. Diversity in Video Programming.

The FCC has long justified its regulation of broadcast and broadcast station ownership on the theory that there is scarcity in the number of available stations on the airwaves and that as a result of this scarcity, market forces will not ensure that programming is diverse. Precisely what is meant by diversity is somewhat elusive. The FCC has traditionally focused upon "the ability of broadcast and non-broadcast media to advance" three different types of diversity: viewpoint diversity, outlet diversity, and source diversity.[45] Since the FCC's articulated concern with diversity is focused on the interests of the viewership, the most important diversity concept in this context appears to be viewpoint diversity. Viewpoint diversity refers to "helping to ensure that the material presented by the media reflect a wide range of diverse and antagonistic opinions and interpretations."

A. A Competitive Market Will Result In A Diversity Of Viewpoint.

A competitive market for video programming will result in diversity of both programming and viewpoint without the need for governmental intervention. Under basic principles of economics, a competitive market will result in product differentiation. Where there are numerous participants in a given market, the entrants will act rationally to maximize their profits by differentiating themselves from the incumbents. As applied to a market for

[45] In the Matter of 1998 Biennial Regulatory Review -- Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Notice of Inquiry, FCC 98-37 (Mar. 13, 1998), ¶ 6.

shares of the viewing public, the rational supplier of video programming will "differentiate" its product, i.e., vary its programming or viewpoint, so as to capture the largest possible share of the audience. This strategy makes economic sense because larger audience shares mean larger advertising revenues.

The primary economic prerequisite for full product differentiation is having enough rival suppliers so that it is profitable to pursue each market segment. In other words, once the number of suppliers reaches a critical mass, it will be economically rational for some of them to serve niche or small market segments, resulting in a mature market with all profitable market segments served.

Just as competition in a mature market will generally result in product differentiation, a mature market for video programming will result in both viewpoint and programming diversity. A simple hypothetical will demonstrate this point. Suppose that at four o'clock in the afternoon, 90 percent of television viewers prefer to watch soap operas, and 10 percent prefer to watch other types of programming. Acting rationally, the first nine entrants into the market will compete for the 90 percent soap opera market, leaving 10 percent of the viewers unserved. As there are new entrants into the market, however, programming will be aimed at the smaller, remaining market shares until it is no longer profitable to do so. In this sense, technological developments in the market for video programming can make (and, as shown below, have made) the video programming market sufficiently competitive to result in diversity of programming and viewpoint. Sufficient growth in the avenues for supply of video programming will eliminate any functional scarcity in that market and competitive forces will necessarily result in the diversity sought by the FCC.[46]

The FCC and the Department of Justice obviously agree with this view of competition in the video programming market because they use the HHI in deciding whether markets (including the video programming market) should be regulated. As discussed above, the HHI is simply a measure of the concentration in a market. And where the market is unconcentrated as measured by the HHI, the FCC and the Department of Justice assume that competitive forces will ensure that all segments of the market are served, i.e., that program and viewpoint diversity will be achieved.

B. Competition And Diversity Are Present Regardless Of What Market Is Used To Analyze The Common-Ownership Of The Sun-Sentinel And WBZL.

1. The National Market.

Since 1969, broadcast television has expanded significantly and has become less scarce than at any time in the past. The national market for video programming is competitive and diverse. Given the number of broadcast opportunities available nationwide (i.e., UHF and VHF stations), there is no functional scarcity in that market and diversity is preserved.

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[46] The use of the term "scarcity" is somewhat misleading in this context. As a technical economic matter, scarcity exists in any market where there is not an infinite supply. For example, there is scarcity in the salt market. Clearly, therefore, the technical definition of scarcity is not a meaningful one for purposes of justifying FCC regulations, since it could be applied to markets that are regulated much less intrusively, most notably the cable industry.

Furthermore, for purposes of evaluating whether there is "scarcity" in the broadcast market, one must consider not only the availability of broadcast, but also the availability of competing technologies such as cable, MDS, SMATV, VCR, low power television, HSD and DBS. For purposes of determining the level of competition in a particular market, a market is defined as the particular product (broadcast television) and all reasonable substitutes for it. When all of these technologies are taken into account, it is clear that there is no scarcity of opportunity to present video programming. Indeed, according to the FCC's Policy and Rules Division's Overview of the Television Industry, in 1990, the HHI for the television industry was 187, making it an extremely unconcentrated market. With such a low HHI, one can confidently state as an economic matter that programmers are competing for virtually every available market segment.

A simple review of the myriad offerings on television, cable and related services demonstrates this point. It is hard to imagine a program format that anyone will watch that is not available. In Miami, for example, there is a large Hispanic population and we find Spanish language programming. In Honolulu, there is Japanese language programming. As tastes and interests vary from one locale to another, the programming responds. But the current array of programs is what the market dictates should be provided.[47]

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[47] This is not to say that there is "enough" of certain types of programs that some deem more worthy than others of being aired.

2. The South Florida Market.

The South Florida market is also extremely competitive and provides viewers with a wide array of programming. One study indicates that the all daypart HHI for Miami is in the unconcentrated range. In re Review of the Prime Time Access Rule, 11 FCC Rcd 546 (1995) Table D-1. For purposes of illustrating the range of viewing options available in this market, in Exhibit J, I have attached an annotated program grid for Miami for Tuesday, July 23, 1996, at 6:00 p.m. The grid reveals an impressive array of programming available. During this time slot, there were the following numbers of program types:

Program	Number
News - English	8
News - Spanish	1
Religious	1
Movies	6
Sports	4
Children's	2
Sitcom	4
Computer	1
Teen	1
Action/Crime Drama	6
Business News	1
Music	3
Comedy	2
Game	1

In just this one time slot, there were 14 different types of programs and 43 different programs. Again, as this example illustrates, if the demand exists, the program will be provided.

C. The Cross-Ownership Of WBZL And The Sun-Sentinel Will Not Have Any Negative Impact On Diversity.

The belief that diversification of ownership will increase content diversity rests on the assumption that the owner of multiple outlets will cause each of those outlets to present information, viewpoints, and entertainment that reflects the owner's own political and artistic philosophy. This assumption is unjustified. Video programmers (and other information service providers) are in the business of supplying material that meets the public's demand for information and entertainment. Economic self-interest compels a group owner (like any owner) to target its programming at the audience shares present in its market. Any other approach would require the group owner to subsidize its programming or fail commercially.

As an economic matter, therefore, there is no reason to suppose that the cross-ownership of WBZL and the Sun-Sentinel reduces diversity. Tribune may decide to change WBZL's programming if it can improve profits by doing so. If WBZL was behaving in an optimal fashion, the acquisition would not lead to wholesale changes because this would reduce profits. There are indications, however, that Tribune will make some programming changes that will result in a net increase in news and public service programming.

In addition, there are efficiencies associated with the cross-ownership of media outlets. As demonstrated in Tribune's Comments in response to the NOI, this may allow the cross-owner to produce more news and public interest programming since those programs can be more efficiently produced by the cross-owner. In fact, the FCC staff found "that on average, co-located, newspaper-owned TV stations programmed 6% more local news, 9% more local non-entertainment, and 12% more total local including entertainment than do other TV stations."[48]

There are a number of decisions of the FCC that have recognized that the substantial cost savings enable the common owner to provide more local programming and other public interest benefits that are less profitable than network/syndicated programming. For example, in US Radio Stations, L.P., 11 FCC Rcd. 5772 (1996), the FCC noted that common ownership of a television station and two radio stations in the Little Rock, Arkansas DMA would result in savings in excess of $850,000 during the first year and over $250,000 in succeeding years, allowing the television station to initiate local news programming during a time slot in which no other station provided news and to increase radio station news programming by drawing on public affairs resources at the television station. There are many similar examples. See, e.g., New Mountain Broadcasting II Corp., 11 FCC Rcd. 2344 (1996) ($3 million in cost savings from co-ownership of a television station and two radio stations allowing increased news, weather, and live local coverage throughout the state). These examples suggest that the co-owner will in many circumstances add to the diversity of programming available rather than diminish it.

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[48] See Second Report and Order, 50 F.C.C.2d 1046, 1094, Appendix C (1975).

An Economic Analysis of the
Cross-Ownership of WBZL and
the Sun-Sentinel

Exhibit List

Exhibit A	-	Credentials
Exhibit B	-	Radio Advertising Bureau materials
Exhibit C	-	Declaration of Harvey Cohen
Exhibit D	-	Declaration of James Smith
Exhibit E	-	Sun-Sentinel Promotional Materials
Exhibit F	-	Map of WBZL Grade A Contour
Exhibit G	-	Sun-Sentinel Promotional Materials
Exhibit H	-	Advertising Revenue by Category (Broad Product Market)
Exhibit I	-	Advertising Revenue by Category (Narrow Product Market)
Exhibit J	-	Program Grids

EXHIBIT A

CREDENTIALS

Exhibit A

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Post Graduate: Regulated Public Utilities
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Dissertation: "Inferior Inputs and External Effects."
Supervisor: C. E. Ferguson

Work Experience: Military:

Management Analyst, U.S. Army, Army Materiel Command, Aberdeen Proving Ground, 1968-69 (rank: 1 Lt.).

Procurement Officer, U.S. Army, USARV Central Purchasing Agency, 1969-70 (rank: CPT.).

<u>Academic:</u>

Assistant Professor, University of Florida, September 1970 to June 1974.

Associate Professor, University of Florida, July 1974 to June 1978.

Professor, University of Florida, July 1978 to present.

Huber Hurst Professor of Business and Legal Studies, July 1990 to present.

Visiting Scholar in Residence, Center for the Study of American Business, Washington University, September 1977 to June 1978.

Visiting Professor, University of Hawaii, Fall 1980, Summer 1991, Summer 1992.

Visiting Professor, University of California-Berkeley, Winter and Spring 1981.

<u>Administrative:</u>

Chairman, Department of Economics, University of Florida: September 1976 to July 1977, July 1981 to January 1983, May 1984 to September 1986, and August 1989 to June 1991.

Associate Director, Public Policy Research Center, University of Florida: January 1978 to July 1992.

<u>Other:</u>

Member, Research Team, Academic Task Force for Review of the Insurance and Tort Systems, 1987.

Member, Antitrust Committee, Agency for Health Care Administration, 1993.

Member, Task Force on Legislation and Regulation, ABA Antitrust Section Committee on Franchising, 1994.